

E N D O R S E M E N T

JAMES F. COFFMAN, JR., v. DAVID NOLAN
04-CV-10788-MEL

LASKER, D.J.


James Coffman, a prisoner at a Massachusetts correctional facility, petitions for federal habeas corpus relief from state custody pursuant to 28 U.S.C. § 2254. Respondent David Nolan, the superintendent of Petitioner's correctional facility, moves to dismiss the petition.

The motion to dismiss the petition is GRANTED. The record makes clear that Petitioner has not exhausted his state remedies as is required by statutory language under 28 U.S.C. § 2254(b)(1)(A), because Petitioner's claim is still pending in the State's appellate process.

Accordingly, the petition is dismissed without prejudice to any rights which Petitioner may have once his state remedies are exhausted.

It is so ordered.

Dated: December 28, 2004
Boston, Massachusetts


/s/ Morris E. Lasker
U.S.D.J.